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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319			EXAMINER	
			PHAM, TUAN	
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/501,200	BASSOMPIERE ET AL.	
	Examiner TUAN A. PHAM	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 17 December 2002.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's remark on pages 8-11, Applicant argues that Chen et al. (U.S. Pub. No.: 2005/0059401) does not teach the claimed invention as recited in claims 1, and 12-14.

In response to applicant's arguments as stated above, Examiner respectfully disagrees with the applicant's argument. With the new ground of rejection of combining the first and the second embodiments of Chen that will teach the claimed invention as stated in the final rejection below.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 14, it is unclear how "base station" recited in lines 2 related to "transmission device" as recited in line 3? If it is the same, please change to "base station".

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 4-5, 9, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. ((U.S. Pub. No.: 2005/0059401, hereinafter, “Chen”)).

Regarding claims 1, and 12-14, in the first embodiment, Chen teaches a method for management of communication in a communication network comprising at least one base station (see figure 8, BS3) and at least one terminal adapted to receiving data from said at least one base station (see figure 8, BS3, remote station), wherein the method comprises:

setting up a communication between one of said base stations, called a base station (see figure 8, BS3), and one of said terminals called the a receiving terminal

(see figure 8, remote station), using a first communication mode based on a single carrier modulation assigned to both uplink and downlink communication between the base station and the receiving terminal (see figure 8, BS3 is communicated with remote station using single carrier both on forward and reverse links Nf, Nr, [0088]).

In a second embodiment, Chen teaches changeover to a second communication mode using a multiple carrier modulation (see [0109]), a communication channel using said multiple carrier modulation being solely assigned to a downlink for the communication between said base station and said receiving terminal (see figure 13, [0110], only down link Wf to remote station); the first and second communication modes being implemented successively and alternately (see figure 13, [0109-0110]), and wherein the changeover to the second communication mode is implemented according to at least one signaling information transmitted by the base station to the receiving terminal through the first communication mode (see [0091, 0109-0110], it is clearly seen that the base station BS3 instruct the remote station to switch the mode through the single carrier mode).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the first and second embodiments of Chen in order to provide base station that supports multiple protocols as suggested by Chen at [0027].

**Regarding claim 4,** Chen further teaches said first communication mode is adapted to carrying out operations for management of setting up, maintaining, and closing of a communication between the transmission device and the receiving terminal (see figure 13, [0110], base station is performed the hand-off, therefore, it perform all

functions such as setup, and maintain the communication between the base station and mobile device).

**Regarding claim 5**, Chen further teaches said communication network is a mobile communication network (see figure 1).

**Regarding claim 9**, Chen further teaches said second communication mode is adapted to transmitting data at high speed between the said transmission device and the said receiving terminal (see col.6, [0079]).

**Regarding claim 11**, Chen teaches the said transmission device is a base station in a cellular communication network (see figure 6).

6. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Pub. No.: 2005/0059401, hereinafter, "Chen") in view of Alard (U.S. Patent No.: 6,584,068).

**Regarding claim 2**, Chen discloses invention, but fails to disclose OFDM type modulation with a guard interval. However, Alard teaches such features (see col.4, ln.27-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Alard into view of Chen in order to limited the interference as suggested by Alard at column 4, lines 62-67.

**Regarding claim 3**, Alard teaches said multiple carrier modulation is an IOTA type modulation (see col.8, ln.25-32).

7. **Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Pub. No.: 2005/0059401, hereinafter, "Chen") in view of Jou (U.S. Patent No.: 6,925,067, hereinafter, "Jou").**

Regarding claim 6, Chen discloses invention, but fails to disclose the common channel that is intended to all the terminals managed by the said transmission device. However, Jou teaches such features (see col.10, ln.16-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Jou into view of Chen in order to use a common channel to communicate with all the mobile phone.

Regarding claim 7, Jou teaches said first communication mode uses at least one access channel type downlink common channel, enabling the said changeover to the said second communication mode (see col.11, ln.54-67).

8. **Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Pub. No.: 2005/0059401, hereinafter, "Chen") in view of Bohnke (U.S. Patent No.: 6,567,383).**

Regarding claim 8, Chen discloses invention, but fails to disclose uplink common channel (RACH) to acknowledge data transmitted correctly to the said reception terminal when the second communication mode is being used. However, Bohnke teaches such features (see col.7, ln.26-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bohnke into view of Chen in order to transmit the data by using the uplink channel.

9. **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Pub. No.: 2005/0059401, hereinafter, “Chen”) in view of Dolgonos et al. (Pub. No.: US 2002/0147978, hereinafter, “Dolgonos”).**

Regarding claim 10, Chen discloses invention, but fails to disclose Internet type data to the said receiving terminal. However, Dolgonos teaches such features (see [0008]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dolgonos into view of Chen in order to transmit the high-speed data.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Pham whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2618  
March 4, 2008  
Examiner

/TUAN A PHAM/

Tuan Pham

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Technology Center 2600

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Supervisory Patent Examiner, Art Unit 2618

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